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| 10/595,288 | 12/12/2006 | Joakim Bergstrom | P18610-US1 | 6880 |

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| EXAMINER | |
|---|---|
| JIANG, CHARLES C | |
| ART UNIT | PAPER NUMBER |
| 2472 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/595,288 | BERGSTROM ET AL. | |
| | Examiner | Art Unit | |
| | CHARLES C. JIANG | 2472 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *22 December 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *8,10 and 12-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8, 10, 12-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Page 4, filed 12/22/2009, with respect to the rejection of claims 8, 10, 12-14 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the newly discovered reference, Jurgensen, USPN 6,574,212.

### *Response to Amendment*

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 8, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah, US 2004/0032877 in view of Willekes, US 2002/0075824, further in view of Jurgensen, USPN 6,574,212.

5. As per claim 8, Chuah teaches a method for avoiding collisions on a random access channel of a telecommunication system (Chuah, Paragraph 8) providing Multimedia Broadcast/Multicast Services (MBMS) (Chuah, Paragraph 8) to a plurality of subscribing user equipments (Chuah, Fig. 1, Elements UE, Paragraph 8), said method comprising the steps of: ... by determining a delay time period (Chuah, Paragraph 8, Maximum back off value and Minimum back off value together represent a delay time period) for each subscribing user equipment (Chuah, Paragraph 8 and 17) after the lapse of which (Chuah, Fig. 3, Elements Tbo1) said user equipment (Previously Discussed) starts transmission of feedback information (Chuah, Fig. 3, Elements 12) on the random access channel (Previously Discussed) ... then, forwarding (Chuah, Paragraph 3-4) said respective delay time periods ... to the user equipments (Chuah, Paragraph 3-4); then transmitting one or more MBMS data portions on a downlink channel to the group of subscribing user equipments (Chuah, Paragraph 1); ...

6. Chuah does not teach ... dividing an MBMS session into a first period for transmission of MBMS data to user equipments and a subsequent second period for receiving feedback information, ... acknowledgement of successfully received MBMS data portions; ... and receiving feedback information from the plurality of user equipments. However, Willekes teaches ... dividing an MBMS session into a first period for transmission of MBMS data to user equipments (Willekes, Fig. 4, Element 406, source data multicast, Paragraph 84) and a subsequent second period for receiving feedback information (Willekes, Fig. 4, Elements 408, error packet info is feedback information, Paragraph 84), ... acknowledgement of successfully (Willekes, Fig. 4,

Element 408, Success, Paragraph 84) received MBMS data portions (Willekes, Fig. 4, Element 406, Paragraph 84); ... and receiving feedback information from the plurality of user equipments (Willekes, Fig. 4, Elements 408, error packet info is feedback information, Paragraph 84).

7. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Willekes into Chuah . Since Chuah suggests transmitting MBMS data payloads to user equipment, and Willekes also suggests MBMS transmission, in particular, receiving MBMS data payloads and respond with an acknowledgement in the analogous art of MBMS communication.

8. Chuah and Willekes do not teach ... and selecting a preamble signature for use on a sub-channel of a random access channel for the subscribing user equipments; ... and preamble signature ... However, Jurgensen teaches ... and selecting a preamble signature for use on a sub-channel of a random access channel for the subscribing user equipments (Jurgensen, Fig. 6, Col 6, Lines 47 to Col 7, Lines 37); ... and preamble signature (Previously Discussed) ...

9. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Jurgensen into Chuah and Willekes. Since Chuah and Willekes suggest transmitting RACH parameters, including sub-channel, to user equipments, and Jurgensen also suggests transmission on RACH, in particular, selecting a preamble signature, in the analogous art of RACH transmission.

10. As per claim 13, Chuah, Willekes and Jurgensen teach the method according to claim 8, wherein said delay time period is calculated from a unique identifier of the user equipment (Chuah, Paragraph 8, back off value depends on ASC).

11. As per claim 14, Chuah, Willekes and Jurgensen teach the method according to claim 8, wherein said delay time period constitutes a randomly determined value within a given time period (Chuah, Paragraph 22, line 2).

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah, US 2004/0032877 in view of Willekes, US 2002/0075824 and Jurgensen, USPN 6,574,212, as applied to claim 8 above, further in view of Osawa, USPN 5,621,732.

13. As per claim 12, Chuah, Willekes and Jurgensen teach the method according to claim 8, wherein said delay time period (Chuah, Paragraph 8, Maximum back off value and Minimum back off value together represent a delay time period) ... the successful reception of said one or more MBMS-data portions (Willekes, Paragraph 84).

14. Chuah, Willekes and Jurgensen do not teach teaches ... starts counting at a user equipment from ... However, Osawa teaches ... starts counting at a user equipment from (Osawa, USPN 5,621,732, Fig. 3, Elements 121 and 122, Col 4, Lines 47-54) ...

15. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Osawa Chuah, Willekes and Jurgensen. Since Chuah, Willekes and Jurgensen suggest having a random and user independent delay for avoiding collision on RACH transmission, and Osawa also suggests delaying the control signaling after receiving data to avoid collision (Osawa, Col 4, Lines 41-44) in the analogous art of radio transmission systems.

16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah, USPN 6,674,765, herein as Chuah II, in view of Willekes, US 2002/0075824, further in view of Jurgensen, USPN 6,574,212.

17. As per claim 10, Chuah II teaches a method in a user equipment of a telecommunication system (Chuah II, Fig. 1, Element 2) ... said method comprising the steps of: determining a delay time period (Chuah II, Fig. 8, Element 820, Col 12, Lines 63-67, *see also*, Fig. 6, Element 618) ... and transmitting (Chuah II, Fig. 8, Element 808) by the user equipment (previously discussed), after the lapse of said delay time period (Chuah II, Fig. 8, Element 822 and 808), ... on the random access channel (Chuah II, Col 6, Lines 57-58) using the preamble signature (previously discussed) ...

18. Chuah II does not teach ... subscribing to a Multimedia Broadcast/Multicast Service (MBMS), ... based on dividing an MBMS session into a first period for transmission of MBMS data to the user equipment and a subsequent second period for transmitting feedback information by the user equipment; ... feedback information ... for acknowledgement of successfully received MBMS-data portions.

19. However, Willekes teaches ... subscribing to a Multimedia Broadcast/Multicast Service (MBMS) (Willekes, US 2002/0075824, Fig. 4, Paragraphs 83-84), ... based on dividing an MBMS session into a first period for transmission of MBMS data to the user equipment (Willekes, Fig. 4, Element 406, source data multicast, Paragraph 84) and a subsequent second period for transmitting feedback information by the user equipment (Willekes, Fig. 4, Elements 408, error packet info is feedback information, Paragraph 84); ... feedback information (Willekes, Fig. 4, Element 408, Success, Paragraph 84) ...

for acknowledgement of successfully (Willekes, Fig. 4, Element 408, Success, Paragraph 84) received MBMS-data portions (Willekes, Fig. 4, Element 406, Paragraph 84).

20. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Willekes into Chuah II. Since Chuah II suggests determining a delay to avoid collision on RACH, and Willekes also suggests MBMS transmission in the analogous art radio transmission systems.

21. Chuah II and Willekes do not teach ... using a preamble signature on a sub-channel of a random access channel for transmission of said feedback information by the user equipment ... However, Jurgensen teaches ... using a preamble signature on a sub-channel of a random access channel for transmission of said feedback information by the user equipment (Jurgensen, Fig. 6, Col 6, Lines 47 to Col 7, Lines 37) ...

22. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Jurgensen into Chuah and Willekes. Since Chuah and Willekes suggest transmitting RACH parameters, including sub-channel, to user equipments, and Jurgensen also suggests transmission on RACH, in particular, selecting a preamble signature, in the analogous art of RACH transmission.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES C. JIANG whose telephone number is (571)270-7191. The examiner can normally be reached on M-F: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 517-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Trost/
Supervisory Patent Examiner, Art Unit 2472

/C. C. J./
Examiner, Art Unit 2472